

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:13-CV-573-F

EDWARD MULDER,)	
Plaintiff,)	
)	
v.)	ORDER
)	
EDGAR MOORE PAGE,)	
)	
Defendant.)	

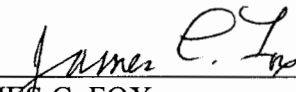
This matter is before the court on the Memorandum and Recommendation (“M&R”) [DE-4] of United States Magistrate Judge Robert B. Jones, Jr. The *pro se* Plaintiff has filed an Objection [DE-5] thereto.

In the M&R, Judge Jones recommends that Plaintiff’s complaint be dismissed for failure to state a claim for which relief may be granted. Specifically, Judge Jones observes that Plaintiff is attempting to assert a claim under 42 U.S.C. § 1983 against his court-appointed attorney in a prior criminal matter. As Judge Jones notes, however, a court-appointed attorney does not act under color of state law, and accordingly is not subject to liability under § 1983. Additionally, Judge Jones observes that to the extent that Plaintiff attempts to allege state common law claims, there is no diversity jurisdiction in this case. Plaintiff’s Objection [DE-5] does not address either of these issues.

After an independent and thorough review of the Magistrate Judge’s M & R and a review of the record, the court concludes that the M & R is correct and in accordance with the law. Accordingly, the court hereby ADOPTS the Magistrate Judge’s M & R. This case is therefore DISMISSED.

SO ORDERED.

This 16th day of October, 2013.



JAMES C. FOX
Senior United States District Judge